



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/272,467	03/19/1999	HIDEO KOJIMA	WNX3.0-008	5682

530 7590 06/05/2002

LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK  
600 SOUTH AVENUE WEST  
WESTFIELD, NJ 07090

EXAMINER
----------

JONES, SCOTT E

ART UNIT	PAPER NUMBER
----------	--------------

3713

DATE MAILED: 06/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/272,467

Applicant(s)

KOJIMA, HIDEO

Examiner

Scott E. Jones

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 17. 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to the amendment filed on March 4, 2002 in which the Applicant submits a request for a CPA and asks for reconsideration of the rejection.

### ***Continued Prosecution Application***

2. The request filed on March 4, 2002 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/272467 is acceptable and a CPA has been established. An action on the CPA follows.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1, 9, 19-20, 32, and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Goden et al (U.S. 5,830,066).

The rejection as stated in Office Action, Paper No. 10 is retained and incorporated herein.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3713

6. Claims 2, 11, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goden et al (U.S. 5,830,066).

The rejection as stated in Office Action, Paper No. 10 is retained and incorporated herein.

7. Claims 3-5, 12-13, 15, 35, and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goden et al. (U.S. 5,830,066) in view of Rieder (U.S. 5,769,718).

The rejection as stated in Office Action, Paper No. 10 is retained and incorporated herein.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goden et al. (U.S. 5,830,066) in view of Rieder (U.S. 5,769,718) as applied to claims 3-5, 12-13, 15, 35, and 37-38 listed above in further view of Mukojima et al (U.S. 5,768,393).

The rejection as stated in Office Action, Paper No. 10 is retained and incorporated herein.

9. Claims 6-7, 16-17, 34 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goden et al. (U.S. 5,830,066) in view of Logg (U.S. 5,616,031).

The rejection as stated in Office Action, Paper No. 10 is retained and incorporated herein.

10. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goden et al. (U.S. 5,830,066) in view of Logg (U.S. 5,616,031) as applied to claims 6-7, 16-17, 34 and 40 listed above and in further view of Mukojima et al. (U.S. 5,768,393).

The rejection as stated in Office Action, Paper No. 10 is retained and incorporated herein.

11. Claim 8, 18, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goden et al. (U.S. 5,830,066) in view of "Corpse Killer" (Video Game by 3DO).

The rejection as stated in Office Action, Paper No. 10 is retained and incorporated herein.

12. Claims 10, 21-22, 30-31, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goden et al. (U.S. 5,830,066) in view of Mukojima et al. (U.S. 5,768,393).

Art Unit: 3713

The rejection as stated in Office Action, Paper No. 10 is retained and incorporated herein.

13. Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goden et al. (U.S. 5,830,066) in view of Mukojima et al. (U.S. 5,768,393) as applied to claims 10, 21-22, 30-31, and 33 listed above and in further view of Rieder (U.S. 5,769,718).

The rejection as stated in Office Action, Paper No. 10 is retained and incorporated herein.

14. Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goden et al. (U.S. 5,830,066) in view of Mukojima et al. (U.S. 5,768,393) as applied to claims 10, 21-22, 30-31, and 33 listed above and in further view of Logg (U.S. Patent # 5,616,031).

The rejection as stated in Office Action, Paper No. 10 is retained and incorporated herein.

15. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goden et al. (U.S. 5,830,066) in view of Mukojima et al. (U.S. 5,768,393) as applied to claims 10, 21-22, 30-31, and 33 listed above and in further view of "Corpse Killer" (Video Game by 3DO).

The rejection as stated in Office Action, Paper No. 10 is retained and incorporated herein.

### ***Response to Arguments***

16. Applicant's arguments filed March 4, 2002 have been fully considered but they are not persuasive.

17. In response to Applicant's argument that Goden et al. does not include the limitation of selectively producing one of a first scene image and a second scene image based on the detected display position and motion of the character. The first scene image is objectively viewing the motion of the character and the second scene image is objectively viewing the motion of the character. The first scene image can be subjectively viewed by the character in any one of Figs. 5(a)-5(e). For instance, items (21) and (23) of Figure 5(a) are subjectively viewed by the

Art Unit: 3713

character. The second scene image can objectively view the motion of the character in any one of Figs. 5(b)-5(f). Figure 5(f) shows an objective view of the motion of a character on a map (Column 13, line 53-Column 14, line 24).

In rebuttal to the applicant's contention that Figs 5(a)-5(f) show various scene images from a character's perspective, Birdseye View, a radar image, etc. and purports the sequence of illustrations in Figs. 5(a)-5(f) are a panning sequence and are not individual scenes which are selectively produced based on the detected display position and motion of the character, the sequence of illustrations in Figs. 5(a)-5(f) are not just a panning sequence. Additionally, Applicant's claim language does not preclude the use of a camera viewpoint as a means to display a first scene image and a second scene image based on the detected display position and motion of the character. The first scene image is objectively viewing the motion of the character and the second scene image is objectively viewing the motion of the character. In Figs. 5(a)-5(f), these illustrations are individual scenes which are selectively produced based on the detected display position and motion of the character. This process is further described in col. 11, lines 48-col. 21, line 27. Furthermore, Goden et al. discloses it is not necessary for the camera viewpoint position to circle completely around the characters, but, for example, the display of the map 26 may halt in the area of viewpoint "5". The camera viewpoint position may follow points 1-6 in Fig. 4 in order, or it may follow them in reverse order, or alternatively, it may follow them in non-consecutive order. The camera viewpoint position may move continuously between these points, or it may move onto points 1-6 only. The camera viewpoint position may move within a vertical plane as shown in Fig. 4 or it may move within a horizontal plane. Moreover, the camera may pan by moving slowly left and right or up and down, or zoom, as in cinematic filming. In

Art Unit: 3713

short, the screen display should be changed gradually to show information sources, such as maps, explanations, and diagrams, which are continuously required, without interrupting the game screen. In doing this, the surrounding scenery and the characters should be included in the display (Column 14, lines 25-42). Therefore, not only are the viewpoints individual screens, but are dynamically produced based on the detected display position and motion of the character (Column 14, line 25-Column 17, line 8).

The viewpoint movement control steps that Applicant refers to (col. 12, lines 36-39) only pertain to a player that is in **transition** from one stage of a game to another stage of a game, not during the actual “playing” of the game.

In response to Applicant’s allegation to the patentability of independent claims 9, 21, 32, and all dependent claims Applicant’s arguments amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. General allegations of patentability are not persuasive arguments.

In response to Applicant’s allegation that Goden et al. in view of Mukojima et al. fails to disclose producing different sound effects depending on which of the subjective and objective scene images is displayed as set forth in claim 21, the original rejection is retained.

### ***Conclusion***

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

Art Unit: 3713

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

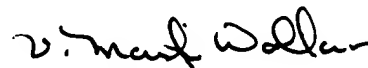
19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Slye et al. '820, Itai et al. '852, Asai et al. '443, Ishihara et al. '363, Matsuyama et al. '007, Mott et al. '687, Iwase et al. '079, Wantanabe et al. '366, and Miyamoto et al. '857 disclose image processing methods.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-1118. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1118.

  
VALENCIA MARTIN-WALLACE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700



Application/Control Number: 09/272,467

Page 8

Art Unit: 3713

Scott E. Jones  
Examiner  
Art Unit 3713

SET

sej

May 31, 2002